

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

KIMBERLY HOPKINS (MABN 668608)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
kimberly.hopkins@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 15-00594-RS
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME FROM OCTOBER 20, 2016
v.)	TO OCTOBER 25, 2016
)	
RODNEY VINCENT ORTIZ and)	
VINCENT RUDY ORTIZ,)	
)	
Defendants.)	

On September 9, 2016, the government filed a notice of appeal to the Ninth Circuit from the District Court's Order on August 11, 2016, granting the defendant's motion to dismiss counts four and five of the indictment. (Docket #161). On September 27, 2016, the defendant, Rodney Vincent Ortiz, represented by Elizabeth Falk, the defendant, Vincent Rudy Ortiz, represented by Sara Reif, and the government, represented by Kimberly Hopkins, Assistant United States Attorney, appeared before the Court for a status hearing. The parties advised the court of its hope to resolve the pending prosecution, and the court set a further status hearing for October 25, 2016. The parties did not request that time be excluded under the Speedy Trial Act as the government's appeal tolled the speedy trial clock.

On October 17, 2016, the government filed a motion to dismiss its appeal, and the Ninth Circuit

1 granted the government's motion on October 19, 2016. Accordingly, the defendants request that time be
2 excluded under the Speedy Trial Act between October 20, 2016 and October 25, 2016, because they
3 need additional time to review the discovery and to conduct necessary investigation. The government
4 has no objection to excluding time.

5 IT IS SO STIPULATED.

6 DATED: October 20, 2016

BRIAN J. STRETCH
United States Attorney

8 By: /s/
KIMBERLY HOPKINS
Assistant United States Attorney

11 DATED: October 20, 2016

/s/
ELIZABETH FALK
Counsel for Rodney Vincent Ortiz

14 DATED: October 20, 2016

/s/
SARA REIF
Counsel for Vincent Rudy Ortiz

17 ~~[PROPOSED]~~ ORDER

18 Based upon the representation of counsel and for good cause shown, the Court finds that failing
19 to exclude the time between October 20, 2016 and October 25, 2016, would unreasonably deny counsel
20 the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
21 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the
22 time between October 20, 2016 and October 25, 2016, from computation under the Speedy Trial Act
23 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY
24 ORDERED that the time between October 20, 2016 and October 25, 2016, shall be excluded from
25 computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

27 DATED: 10/20/16

28 
HON. RICHARD SEEBORG
United States District Judge